

Mr. Brian Lunderville
Managing Member
White Mountains Broadcasting LLC
P.O. Box 896
Littleton, NH 03561

May 13, 2021

Licensee: White Mountains Broadcasting LLC
Waiver Request: Late Payment Penalty and Interest
Disposition: Dismissed and Denied (47 U.S.C. § 159A,
47 CFR §§ 1.1160, 1.1164, 1.1166, 1.1910)
Fiscal Year (FY) 2018: Late Payment Penalty and
Interest
Date Request Filed: March 11, 2019
Date Regulatory Fee, Penalty and Interest Paid: April 20,
2019
Fee Control No.: RROG-2020-16597

Dear Mr. Lunderville:

This responds to the request by White Mountains Broadcasting LLC (White Mountains) for a waiver of the penalty and interest assessed against White Mountains for late payment of its Fiscal Year (FY) 2018 regulatory fees (the Request).¹ For the reasons stated below we dismiss and deny the Request.

Under 47 U.S.C. §159 and the Commission's implementing rules, we are required to assess and collect regulatory fees to recover the costs of the Commission's regulatory activities,² and when the required fee payment is not timely paid, to assess a penalty equal to twenty five percent (25%) of the amount of the fee which was not paid in a timely manner.³ The deadline for payment of FY 2018 regulatory fees was September 25, 2018.⁴

We dismiss the Request under the Commission's red light rule.⁵ When White Mountains filed the Request, it had not yet paid its FY 2018 regulatory fee debt. Pursuant to sections 1.1164 and 1.1910 of the Commission's regulations, the Commission will dismiss an application or other request if the filing party owes past due debt to the Commission.⁶

Alternatively, and independently, we deny the Request because White Mountain failed to establish that good cause exists for granting its waiver and that a waiver would be in the public interest.⁷ According to the Commission's records, on September 25, 2018, White Mountains attempted to pay its

¹ Letter from Brian Lunderville, White Mountains Broadcasting LLC to Marlene H. Dortch, Secretary, Federal Communications Commission (Mar. 4, 2019, *rec'd* Mar. 11, 2019) (Request).

² 47 U.S.C. § 159(a).

³ 47 U.S.C. §159A(c); 47 CFR §1.1164.

⁴ *See Effective Date of FY 2018 Regulatory Fees and Multi-Year Wireless Fees*, Public Notice, 33 FCC Rcd 8740 (OMD 2018). On September 21, 2018, the Commission extended the September 25, 2018 deadline for payment of regulatory fees to September 27, 2018 for regulatees in certain counties in Georgia, Virginia, North Carolina, and South Carolina affected by Hurricane Florence. The extended deadline did not apply to White Mountains. *See Fee Filing Window for Those Regulatees Affected By Hurricane Florence Extended to September 27, 2018*, Public Notice, 33 FCC Rcd 8804 (OMD 2018).

⁵ 47 CFR §§ 1.1164 and 1.1910.

⁶ *Id.*

⁷ 47 U.S.C. § 159A(d); 47 CFR § 1.1166.

FY 2018 regulatory fees via ACH. However, the payment failed. White Mountains did not provide any explanation for the payment failure, other than to say that the payment was not debited from its bank account.⁸

When we evaluate waiver requests, we consider whether the request establishes the existence of bank error⁹ or presents legal grounds or clear mitigating circumstances¹⁰ to waive collection of the penalties and interest charges. The Request does not.

The Request is dismissed and denied.

If White Mountains has any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink that reads "James Lyons". The signature is written in a cursive, slightly slanted style.

James Lyons
Deputy Chief Financial Officer

⁸ Request, including attachments. Because White Mountain has since paid its FY 2018 regulatory fee debt in full, we will treat White Mountain's Request as a request for waiver and refund of the debt pursuant to 47 CFR §§ 1.1160 and 1.1166.

⁹ 47 C.F.R. §1.1164; *see also NTT America, Inc.*, 21 FCC Rcd 8088 (2006).

¹⁰ *See Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970); *see also NextGen Telephone* (OMD, Apr. 22, 2010); *Istel, Inc.* (OMD, Apr. 22, 2010).